

Water Quality Advisory Group
October 11, 2000
Room 1319

Minutes

Members present: Bill Beranek, John Fekete, Beth Admire, Melanie Darke, Matt Rueff and Senator Gard.
Audience: Paul Werderitch, Neil Parke, John Humes, Eric Fry, Nat Noland, Len Ashack, Dean Vlachos, Bob Johnston, Rick ajda and Pat Bennett.

Introductions

John F.: Matt opening comments.

Matt: Thank Robin Gariby, Peter Dufour, Neil Parke, Erik Fry, Eric Cole, Tom Anderson, Charlotte Read, Rae Schnapp, and OWM staff Barbara Scott, Steve Roush, Lonnie Brumfield, John Elliott, Mary Ellen Gray, Dennis Clark and Bob Johnston. This is a pretty complex issue with not much guidance. Thank everybody for the time they have taken.

John F.: Second Wednesday, formal meeting of WQAG. WPCB will not be meeting on the second Wednesday. We will reschedule November's meeting. Technical group has been meeting and has good information available.

Barbara: Another meeting of technical group on October 3rd. We are still working on draft recommendation. Framework: where get data? Use data from all valid sources. Defined methodology of confidence levels of data set. Sampling type will be grab samples. Statistical summary – geometric mean. Most data will be skewed data. How handle non-detects? Use zero, use calculated detection unit? Consulting someone at Purdue. Collecting data – use information collected by permittee. Analysis – permittee will submit with application. Two steps: permittee will do one, IDEM the other. QAQC – any data generated will go through IDEM process. Who is responsible to collect data? Need funding for better data. Why can't funding come out of permit fees?

Sen. Gard: IDEM requesting funding?

Matt: No, using dedicated fund.

Sen. Gard: Important to ask for funding if you have a job to do.

Matt: Still evaluating what needs to be done.

John F.: Viewed that as an ultimate conclusion but haven't reached that point yet.

Barbara: Finish up draft and email to group before next month's meeting. Do a presentation to go over information.

Steve: Adequate data for new permit. Still have questions to answer.

Barbara: What to do for short term for permits we already have. Go over information from Purdue.

Bill: Understand that Purdue will tell you information on geometric mean. Don't understand what they have to do with non-detect.

Barbara: Will take each different method and evaluate under different circumstances.

Bill: Consider non-detect to be the number or under the number.

Barbara: What is best suited for non-detect?

John F.: Whatever choice you make will affect the data. They will give a range on level of confidence. Would like to have outside input.

Bill: Many pollutants not out there randomly. Depend upon hydrology. How are you measuring harm for heavy metals?

Steve: Have long term data from fixed stations on hard metals.

Bill: Measure background not at a low flow. Complete discussion of ambient background would include this.

Barbara: All this is in database that we have been looking at. This will not cover everything but would like to capture majority. IDEM staff will meet with Purdue. Anyone that would like to attend let me know.

John F.: Questions/comments? Pushing the envelope with what this group is discussing. Scary and exciting at the same time. Technical/scientific and policy issues. Please maintain focus. Senator Gard – do you have complete packet of information?

Sen. Gard: No

John F.: Will get that to you.

Steve: Review of "N". Limited to major new facilities. Do not have de minimus. Some of this was taken from GLI rule. Similar to what people would go through for a variance.

Bill: How decide I've given enough information for social and economic impact if I'm a merchant power plant?

Steve: Haven't reviewed any that have come in personally. Base decision on information you have.

Bill: Like a Title 5? Is there part of this process that says you have to do more?

Barb L.: Just starting process.

Steve: Part of a public process. It's to the facilities benefit to provide good information.

Matt: Impacts would be at local level. Treat down to as close to the de minimus as possible. Has to be a public process.

Bill: Can see this would apply to 1 and 2. However, 3 and 4 – maybe not.

Barb: Role of applicant?

Bill: Yes, role of applicant. 1, 3 and 4 may not emphasize this. Degree of proof and who decides?

Agency decision for 1 and 2.

Barb: Rely on what they say but rules will not be written to reflect preference.

Matt: The agency will be the decision maker. Go through local legislative body.

Sen. Gard: IDEM is getting into using criteria that should be local decisions. These issues are very political. IDEM evaluates on sound scientific principle.

Matt: These things are a requirement from EPA. Out strength is science

Melanie: Using this survey as discussion or to establish criteria? There are documented numbers for some guidelines.

Matt: Have to make a decision on social, economic issues. Tried to get feedback from local communities. I agree with Senator Gard, this is important to the community at local level. How hard and fast do we want to be on these things?

Melanie: Rare for company to locate or expand without local government approval. Maybe don't have to go into these detailed questions.

Matt: In Triennial Review we were looking for a simple resolution.

Bill: We are interested in criteria. Is it good enough? Locally think so – IDEM says yes, and moves on. If not, the State may want to over ride in some circumstances.

Melanie: 3 and 4 are important at local level.

Matt: 4 is our strong point. 3 will be a little tougher. When we issue permits we do number 4.

Melanie: Do not give company money directly except tax credits. Always have community support.

Len: Keep in mind this criteria has been developed with an industrial perspective. Fall a little short for some things. Look at more than just industrial applications.

Sen. Gard: Can see why local government wait for IDEM because they look to IDEM for expertise.

John F.: Do you ever issue conditional permits?

Len: Don't have any rules that would allow us to do that.

Lonnie: In my community they have to have all their permits before they come in.

Mary Ellen: Look at social and economic guidelines under federal regulations for an antidegradation demonstration. Exemptions/exceptions is on the agenda for another meeting. For now we are focusing on how we are going to do this.

Pat: Local input is very important. If this is in place and the agency denies something due to 1 or 2 isn't the State going beyond their purview? Leave science to IDEM and economics to Commerce or local government.

Mary Ellen: We are looking for comments on what Steve presented today. If anyone thinks we need to change it let us know. Applicant will provide us with this information. Do we want the local level to provide this information?

Sen. Gard: Great opportunity for state agencies to work together.

John F.: How implement this? Capture these ideas and discuss further.

Bob: Good discussion. This is one of the most important decisions this group will deal with. Do need to have de minimus based on size not water quality. These criteria are going to be difficult for some small projects. Industries may have difficulty with 1 and 2 but none-the-less it will be important to the company. Currently based on a parameter by parameter basis. Not sure that is the way Congress envisioned it.

Neil: There is a document that has detailed information. Educational for folks to read.

Barb: There is a rule in place and a federal interpretation.

John F.: How do other states interpret this requirement?

Bill: Some states are doing it by water use some by parameter by parameter. Whoever wrote Preamble thought this was a pretty serious issue.

John F.: Nothing resolved on federal level?

Bob: How interpreting social economic? What is very problematic is when you can't meet any test.

Bill: Number 2 implies growth. This is why I want to see criteria. These questions are not appropriate for all circumstances.

Melanie: Commerce is struggling with how to retain current businesses. Good way for Commerce to work with IDEM.

John F.: Always technological changes. Terrific discussion.

Pat: The end product will impact WPCB and Commissioner's office. SEA 431 – requires WPCB to provide rules for OSRW's. What will be the impact of individuals who are suing the State over 431?

John F.: Notice to Sue.

Barb: No actual lawsuit.

Pat: What if they due sue? Important to bring this up.

John F.: Last workgroup meeting went very well and one member of that group was present.

Bill: Cross that bridge when we come to it. We don't want this to be used to manipulate the court decision.

John F.: IDEM comment?

Barb: No legal reason for this group not to continue to meet.

Pat: Thanks for discussing. Effects give and take of group.

John F.: There are always things going on. Should they affect the way we speak about things?

Bill: Head's up is good.

John F.: Environmental members are not here today. Must include public participation. Must not lose sight of that. Final comments?

Neil: Agenda changed from original. Can the agenda come out a little earlier in the future?

Barbara: Will get future agenda's out and online sooner.

Neil: What about existing facilities? No growth necessarily – but need something for existing.

Sen. Gard: Wednesday prior to Thanksgiving? Get changes to group ASAP.

John F.: Get Senator Gard a complete packet. Neil – one page bullet points for existing facilities.

Mary Ellen: Encourage folks to come up with their own criteria and send to John. May be looking at different scenario's. Review next two agenda items for 26th.

Barbara: Move de minimus to next meeting. Need decision criteria.

Barb: This is decision criteria. If you want to make this more black and white we can.

Bill: Need different word for criteria. Right now you know it when you see it.

John F.: Healthy discussion. Contact Tom, Bowden and Rae for today's handouts. Comments?

Adjournment